

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JOSE TRINIDAD GOMEZ-ALVAREZ,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:05CV00358
	)	1:03CR428-1
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**O R D E R**

On August 12, 2005, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Thereafter, and within the time limit prescribed by Section 636, petitioner filed objections to the Recommendation.

The Court has reviewed petitioner's objections de novo and finds they do not change the substance of the United States Magistrate Judge's rulings which are affirmed and adopted.

**IT IS THEREFORE ORDERED** that petitioner's motion to vacate, set aside or correct sentence (docket no. 1) is denied, that this action is dismissed, and that finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is denied.

This the day of February 5, 2007

/s/ N. Carlton Tilley, Jr.  
United States District Judge